

Ying Sun, #56214-509
c/o Victorville Camp FCI Medium I
PO Box 5300
Adelanto, CA - 92301-

In the United States District Court for the District
of Southern District of New York

United States of America,
Plaintiff,
vs.
Ying Sun, Pro Se
Defendant.

CR. Case No. 01:21-cr-00343-1(SHS)
Motion to Correct Sentence Based
on Retroactive of Criminal History
Category of United States Sentencing
Guidelines ("USSG") Section 1B1.10
Judge Sidney H. Stein

Motion to Correct Sentence Based on Retroactive of Criminal History
Category of the United States Sentencing Guidelines ("USSG") Section 1B1.10

I am proceeding pro se, "a document filed by pro se is to be liberally construed, and pro se complaint, however inartfully pleaded must be held to less stringent standards than formal pleadings drafted by lawyers." Enckson v. Pardus, 551 U.S. 89, 94, 127 S.Ct. 2197, 167 L.Ed. 2d 1081 (2007) (internal quotation marks and citations omitted). In addition, a court must consider as evidence which is based on personal knowledge (McElvay v. Babbitt, 833 F.2d 196, 197 (9th Cir. 1987) set forth facts admissible under the penalty of perjury are true and correct. See Johnson v. Meltz 134 F.3d 1393, 1399-1400 (9th Cir. 1998)). I make the following that is true and correct and under the penalty of perjury.

I. Relevant Facts

I am seeking a correction of my sentence in my case due to the passage of USSG 1B1.13 criminal history amendments relating to "status points" and certain "zero point" offender, which I am a zero-point offender, which became effective on November 1, 2023.

I was sentenced on June 13, 2023 and received a sentence of term of incarceration of 32 months and 3 years of supervised release.

On May 1, 2023, the United States Sentencing Commission submitted to Congress amendments to the sentencing guidelines and official commentary, which became effective on November 1, 2023. Section 3582(c)(2) of title 18, United States Code, provides that "in the case of the defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), upon motion of defendant or the Director of the BOP, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." Pursuant to 28 U.S.C. § 994(u), "[i]f the Commission reduces the term of imprisonment recommended in the guidelines applicable to a particular offense or category of offenses, it shall specify in what circumstances and by what amount the sentences of prisoners serving terms of imprisonment for the offense may be reduced."

II. Reduction in Term of Imprisonment as a Result of Amended Guideline Range for Zero Criminal History Points at New USSG Section 4C1.1 (Adjustment for Certain Zero-Point Offenders)

I am asking that my sentence be reduced by ^(eight) 8 months, due to the new changes.

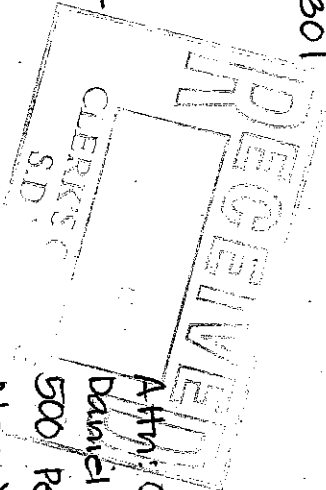
III. Conclusion

I ask that my motion be granted.

November 1, 2023, Adelanto, CA

Ying Sun #56294-509
c/o Victorville Camp, FCI Medium I
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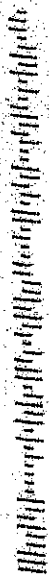
Legal
Mail



Attn: Clerk
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 120
New York, NY 10007-1312

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